

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATHANIEL J. DAVIS, JR.,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

Case No. C09-1504-MJP-BAT

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's amended complaint, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, the Objections to the Report and Recommendation, and the remaining record, orders as follows:

- (1) The Court adopts the Report and Recommendation.
- (2) Plaintiff's amended complaint (Dkt. No. 7) is DISMISSED without prejudice.
- (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C.**

§ 1915(e)(2)(B), to count this as a dismissal under **28 U.S.C. § 1915(g)**, and to send copies of this Order to Plaintiff and to the Honorable Brian A. Tsuchida.

DATED this 24th day of May, 2010.



Marsha J. Pechman
United States District Judge